

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:05CV298**

THOMAS E. COLE,

Plaintiff,

v.

THE CATO CORPORATION,

Defendant.

CONSENT PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), upon agreement of the parties, and for good cause shown, the Court enters a protective order in this case according to the following terms.

IT IS THEREFORE ORDERED:

1. That the documents, testimony and other information in the following categories shall be kept confidential and shall not be disclosed to anyone except as set forth below:

- (a) All documents and information that any party designates as "CONFIDENTIAL" and produces to another party pursuant to Fed. R. Civ. P. 26(a)(1) or in response to that party's interrogatories, requests for production of documents and any subsequent discovery requests;
- (b) The contents of such "CONFIDENTIAL" documents;
- (c) Any deposition testimony relating to the business information or confidential personnel records of Defendant The Cato Corporation, including but not limited to the "CONFIDENTIAL" documents and their contents; and
- (d) Any deposition testimony relating to Plaintiff's medical records and

records of the Plaintiff's taxes and earnings, including but not limited to the "CONFIDENTIAL" documents and their contents.

2. That the documents, testimony and information in the categories listed above may be disclosed only to the following and only in connection with their use at trial and in preparation for trial: the parties, counsel, including other attorneys in the same firm and their clerical and paralegal employees and in-house counsel; expert witnesses if retained by either party to testify in this case; or witnesses, but only such documents, testimony and other evidence that relate directly to that witness or the testimony of that witness may be disclosed to a non-party witness.

3. That each person subject to this Order shall review and consent to the terms of this Order before viewing any of the documents or other materials protected by this Order.

4. That neither the originals nor copies of such "CONFIDENTIAL" documents or deposition transcripts may be given to anyone other than the parties or their counsel as described; and that the ultimate disposition of the protected materials will be made subject to a final order of the Court upon the completion of litigation.

5. This Protective Order is without prejudice to the right of any party to challenge the designation of any information or document as "CONFIDENTIAL."

CONSENTED TO:

s/Angelique R. Vincent

Julian H. Wright, Jr.

Angelique R. Vincent

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The Cato Corporation

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IT IS SO ORDERED.

Signed: April 24, 2006



Graham C. Mullen
United States District Judge

